



# UTILITY PATENT APPLICATION TRANSMITTAL

## (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.

330

Total Pages in this Submission

24

### TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**WDM SYSTEM WITH PERFORMANCE MONITORING**

and invented by:

**JEAN-LUC ARCHAMBAULT, VIPUL BHATNAGAR and MICHAEL FRANKEL**

J050 U.S. PTO  
09/60 975728

10/11/01

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

### Application Elements

1.  Filing fee as calculated and transmitted as described below
2.  Specification having \_\_\_\_\_ pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Microfiche Appendix (*if applicable*)
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if drawings filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

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**Application Elements (Continued)**

3.  Drawing(s) *(when necessary as prescribed by 35 USC 113)*

a.  Formal Number of Sheets 6

b.  Informal Number of Sheets \_\_\_\_\_

4.  Oath or Declaration

a.  Newly executed *(original or copy)*  Unexecuted

b.  Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*

c.  With Power of Attorney  Without Power of Attorney

d.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5.  Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6.  Computer Program in Microfiche *(Appendix)*

7.  Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*

a.  Paper Copy

b.  Computer Readable Copy *(identical to computer copy)*

c.  Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8.  Assignment Papers *(cover sheet & document(s))*

9.  37 CFR 3.73(B) Statement *(when there is an assignee)*

10.  English Translation Document *(if applicable)*

11.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations

12.  Preliminary Amendment

13.  Acknowledgment postcard

14.  Certificate of Mailing

First Class  Express Mail *(Specify Label No.):* EL869632560US

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**Accompanying Application Parts (Continued)**

15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)

16.  Additional Enclosures (*please identify below*):

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

17.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
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**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
<b>Total Claims</b>	21	- 20 =	1	x \$18.00	\$18.00
<b>Indep. Claims</b>	2	- 3 =	0	x \$80.00	\$0.00
<b>Multiple Dependent Claims (check if applicable)</b>					\$0.00
				<b>BASIC FEE</b>	\$710.00
<b>OTHER FEE (specify purpose)</b>					\$0.00
				<b>TOTAL FILING FEE</b>	\$728.00

A check in the amount of to cover the filing fee is enclosed.

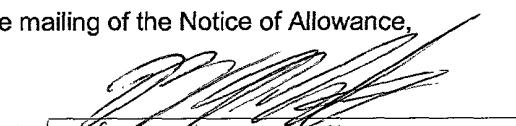
The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-0308 as described below. A duplicate copy of this sheet is enclosed.

Charge the amount of \$728.00 as filing fee.

Credit any overpayment.

Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  
 Michael L. Soltz #39,491 Signature  
 David L. Soltz

Dated: October 11, 2001

Reg. No. 34,731  
 CIENA Corporation  
 Legal Department  
 1201 Winterson Road  
 Linthicum, Maryland 21090  
 (410) 865-8500

CC:

October 11, 2001

**ATTORNEY DOCKET NO. 330**

**Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231**

Re: New U.S. Patent Application  
Title: WDM System With Performance Monitoring  
Inventor: Jean-Luc Archambault, Vipul Bhatnagar and Michael Frankel

Sir/Madam:

Transmitted herewith for filing is a patent application claiming priority under 35 U.S.C. § 119(e) of Provisional Application No. 60/239,562, filed on October 11, 2000. The following items are enclosed:

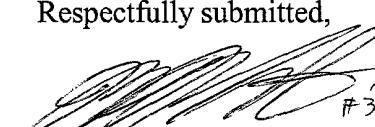
1. Utility Patent Application Transmittal.
2. Application - 18 pages, including title page, 2 independent claims and 21 claims total.
3. Drawings - 6 sheets (6 figures) of formal drawings.
4. Authorization to Charge the amount of \$728.00.

Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. Section 1.16 and Section 1.17, at any time during the pendency of this application, or credit any over payment of such fee(s) to Deposit Account No. 50-0308.

Please accord this application a serial number and filing date and record and return the Assignment to the undersigned.

Respectfully submitted,

By:

  
for David L. Soltz  
Reg. No. 34,731

Michael L. Gammarelli  
#39,491

CIENA Corporation  
Legal Department  
1201 Winterson Rd.  
Linthicum, MD 21090  
Tel.: (410) 865-8500  
Fax: (410) 865-8001